

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: MB Financial Bank, NA
DOCKET NO.: 06-20994.001-R-1
PARCEL NO.: 10-20-104-007-0000

The parties of record before the Property Tax Appeal Board are MB Financial Bank, NA, the appellant, by attorney David Lavin of Field and Goldberg, LLC, Chicago, and the Cook County Board of Review.

The subject property consists of a 79-year-old, one-story style single-family dwelling of frame construction containing 1,174 square feet of living area and located in Niles Township, Cook County. Amenities include one full bath, a full basement and a two-car garage.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered a spreadsheet detailing four suggested comparable properties located in the same coded assessment neighborhood as the subject. These properties consist of one-story style single-family dwellings of frame, stucco or frame and masonry construction from 55 to 84 years old. The comparable dwellings contain one or two full baths, basements and have garages; two have air conditioning and one has a fireplace. The comparables range in size from 1,579 to 2,106 square feet of living area and have improvement assessments ranging from \$9.14 to \$14.02 per square foot of living area. A copy of the subject's 2005 board of review final decision was also included.

Further, the appellant argued as the subject improvement was vacant the entire 2006 year and produced no income its assessment should be reduced by a factor of 80%, or from \$16,788 to \$3,357. In support of this argument the appellant proffered an affidavit from Cindy O'Drobinak, Asset Manager, employed by the appellant. The affidavit indicated the subject was purchased by the appellant with the intent to demolish and eventually build an addition to the main bank facility. In addition a 2006 rent roll

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	4,712
IMPR.:	\$	16,788
TOTAL:	\$	21,500

Subject only to the State multiplier as applicable.

for the subject was entered into evidence reflecting 100% vacancy for the year. Based on the foregoing the appellant requested a reduction of the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final improvement assessment of \$16,788, or \$14.29 per square foot of living area, was disclosed. In support of the subject's assessment, the board of review offered property characteristic sheets and a spreadsheet detailing three suggested comparable properties located on the same street as the subject. The comparables consist of one-story style single-family dwellings of frame construction ranging from 85 to 90 years old. The comparables contain one full bath, basements and have garages; one also is air conditioned. These properties range in size from 1,075 to 1,233 square feet of living area and have improvement assessments ranging from \$15.89 to \$16.72 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The appellant's argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has failed to overcome this burden.

The Board finds that the parties submitted seven properties as comparable to the subject. The Board finds that all these properties have improvements which bear some similarities to the subject in location, construction type, and amenities. The Board finds that a defining difference between the comparables' improvements and the subject is size. Accepted assessment theory suggests that as building size increases the value per square foot decreases, all other things being equal. In the instant case, this theory appears to be in practice. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject property, the Board finds the subject's per square foot improvement assessment is supported by the properties contained in the record.

Next, the Board finds the appellant's argument that the subject's assessment should be debased by a vacancy factor of 80%

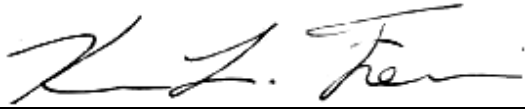
unpersuasive. The appellant failed to present evidence of what negative effect, if any, the subject's vacancy had on its value.

As a result of this analysis, the Property Tax Appeal Board finds the appellant failed to adequately demonstrate that the subject dwelling was inequitably assessed by clear and convincing evidence and no reduction is warranted.


This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: August 14, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.